United Nations A/55/571

General Assembly

Distr.: General
17 November 2000

Original: English

Fifty-fifth session
Agenda item 85

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Special Political and Decolonization Committee (Fourth Committee)

Rapporteur: Mr. Shingo **Miyamoto** (Japan)

I. Introduction

1. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fifth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" and to allocate it to the Special Political and Decolonization Committee (Fourth Committee).

2. The Fourth Committee considered the item at its 17th, 18th and 24th meetings, on 6, 7 and 10 November 2000 (see A/C.4/55/SR.17, 18 and 24). The general debate on the item was held at the 17th and 18th meetings (see A/C.4/55/SR.17 and 18).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General submitted in pursuance of General Assembly resolution 54/76 (A/55/261);

(b) Report of the Secretary-General submitted in pursuance of General Assembly resolution 54/77 (A/55/262);

(c) Report of the Secretary-General submitted in pursuance of General Assembly resolution 54/78 (A/55/263);

(d) Report of the Secretary-General submitted in pursuance of General Assembly resolution 54/79 (A/55/264);

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(e) Report of the Secretary-General submitted in pursuance of General Assembly resolution 54/80 (A/55/265);

(f) Notes by the Secretary-General transmitting the periodic reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories covering the periods from 21 August 1999 to 29 February 2000 (A/55/373) and from March to July 2000 (A/54/373/Add.1);

(g) Note by the Secretary-General transmitting the thirty-second report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/55/453);

(h) Letter dated 29 September 2000 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (A/55/432-S/2000/921);

(i) Identical letters dated 2 October 2000 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council (A/55/437-S/2000/930);

(j) Letter dated 3 October 2000 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General, transmitting a statement on the situation in the Occupied Palestinian Territory, adopted on 2 October 2000 by the Group of Islamic States at United Nations Headquarters (A/55/449-S/2000/956);

(k) Identical letters dated 4 October 2000 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council (A/55/450-S/2000/957);

(l) Identical letters dated 9 October 2000 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council (A/55/466-S/2000/971);

(m) Identical letters dated 12 October 2000 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council (A/55/474-S/2000/984);

(n) Identical letters dated 12 October 2000 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council (A/55/490-S/2000/993).

4. At the 17th meeting, on 6 November, the representative of Sri Lanka, in his capacity as Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the reports of that Committee (A/55/261-265, A/55/373 and Add.1 and A/55/453) (see A/C.4/55/SR.17).

5. At the same meeting, the Permanent Observer of Palestine to the United Nations made a statement (see A/C.4/55/SR.17).

II. Consideration of proposals

A. Draft resolution A/C.4/55/L.17

6. At the 24th meeting, on 10 November, the representative of Cuba, on behalf of Afghanistan, Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Mauritania, Morocco, Qatar, Saudi Arabia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Oman, introduced a draft resolution entitled "Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" (A/C.4/55/L.17).

7. At the same meeting, the Committee adopted draft resolution A/C.4/55/L.17, by a recorded vote of 68 to 2, with 53 abstentions (see para. 20, draft resolution I). The voting was as follows:[1] [2]

In favour:

Algeria, Azerbaijan, Bahrain, Bangladesh, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Gabon, Ghana, Guinea, Haiti, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Malta, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Panama, Paraguay, Philippines, Qatar, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia.

Against:

Israel, United States of America.

Abstaining:

Andorra, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Dominican Republic, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Yugoslavia.

8. At the same meeting, statements in explanation of vote on draft resolution A/C.4/55/L.17 were made by Canada, Australia and France (on behalf of the States members of the European Union) (see A/C.4/55/SR.24).

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[1] Subsequently, delegation of Bolivia indicated that it intended to abstain and the delegation of Guyana indicated that it intended to vote in favour.

[2] The delegation of Belarus subsequently indicated that, had it been present, it would have voted in favour.

B. Draft resolution A/C.4/55/L.18

9. At the 24th meeting, on 10 November, the representative of Cuba, on behalf of Afghanistan, Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Mauritania, Morocco, Qatar, Saudi Arabia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Oman, introduced a draft resolution entitled "Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including Jerusalem, and the other occupied Arab territories" (A/C.4/55/L.18).

10. At the same meeting, the Committee adopted draft resolution A/C.4/55/L.18 by a recorded vote of 124 to 2 (see para. 20, draft resolution II). The voting was as follows:[2]

In favour:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia.

Against:

Israel, United States of America.

Abstaining:

None.

C. Draft resolution A/C.4/55/L.19

11. At the 24th meeting, on 10 November, the representative of Cuba, on behalf of Afghanistan, Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Mauritania, Morocco, Qatar, Saudi Arabia, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Oman, introduced a draft resolution entitled "Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, and the occupied Syrian Golan" (A/C.4/55/L.19).

12. At the same meeting, the Committee adopted draft resolution A/C.4/55/L.19 by a recorded vote of 124 to 2 (see para. 20, draft resolution III). The voting was as follows:[2]

In favour:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia.

Against:

Israel, United States of America.

Abstaining:

None.

13. At the same meeting, Australia made a statement in explanation of vote on draft resolution A/C.4/55/L.19 (see A/C.4/55/SR.24).

D. Draft resolution A/C.4/55/L.20

14. At the 24th meeting, on 10 November, the representative of Cuba, on behalf of Afghanistan, Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Mauritania, Morocco, Qatar, Saudi Arabia, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Oman, introduced a draft resolution entitled "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem" (A/C.4/55/L.20).

15. At the same meeting, the Committee adopted draft resolution A/C.4/55/L.20 by a recorded vote of 123 to 2 (see para. 20, draft resolution IV). The voting was as follows:[2]

In favour:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Côte d'Ivoire,

Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia.

Against:

Israel, United States of America.

Abstaining:

None.

16. At the same meeting, statements in explanation of vote on draft resolution A/C.4/55/L.20 were made by Canada and Australia (see A/C.4/55/SR.24).

E. Draft resolution A/C.4/55/L.21

17. At the 24th meeting, on 10 November, the representative of Cuba, on behalf of Afghanistan, Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by the Syrian Arab Republic and Pakistan, introduced a draft resolution entitled "The occupied Syrian Golan" (A/C.4/55/L.21).

18. At the same meeting, the Committee adopted draft resolution A/C.4/55/L.21 by a recorded vote of 124 to 1, with 1 abstention (see para. 20, draft resolution V). The voting was as follows:[2]

In favour:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco,

Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia.

Against:

Israel.

Abstaining:

United States of America.

19. At the same meeting, after the vote on the draft resolutions, statements were made by the representatives of the Syrian Arab Republic and the Permanent Observer Mission of Palestine (see A/C.4/55/SR.24).

III. Recommendations of the Special Political and Decolonization Committee (Fourth Committee)

20. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the principles of international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[3] as well as international standards of human rights, in particular the Universal Declaration of Human Rights[4] and the International Covenants on Human Rights,[5]

Recalling its relevant resolutions, including resolution 2443 (XXIII) of 19 December 1968, and relevant resolutions of the Commission on Human Rights,

Recalling also relevant resolutions of the Security Council,

Aware of the lasting impact of the uprising (intifada) of the Palestinian people,

[3] United Nation, *Treaty Series*, vol. 75, No. 973.

[4] Resolution 217 A (III).

[5] Resolution 2200 A (XXI), annex.

Convinced that occupation itself represents a gross violation of human rights,

Gravely concerned about the recent tragic events that have taken place since 28 September 2000, including the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in numerous deaths and injuries,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[6] and the relevant reports of the Secretary-General,[7]

Recalling the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993,[8] as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington, D.C., on 28 September 1995,[9] and the recent signing of the Sharm el-Sheikh Memorandum on 4 September 1999,

Expressing the hope that, with the progress of the peace process, the Israeli occupation will be brought to an end and therefore violation of the human rights of the Palestinian people will cease,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. *Demands* that Israel cooperate with the Special Committee in implementing its mandate;

3. *Deplores* those policies and practices of Israel which violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the reports of the Special Committee covering the reporting period;

4. *Expresses grave concern* about the situation in the Occupied Palestinian Territory, including Jerusalem, as a result of Israeli practices and measures, and especially condemns the excessive use of force in the past few weeks which has resulted in more than 160 Palestinian deaths and thousands of injuries;

5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[3] and to consult, as appropriate, with the

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[6] A/55/261-265.

[7] A/55/373 and Add.1 and A/55/453.

[8] A/48/486-S/26560, annex; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26560.

[9] A/51/889-S/1997/357, annex; see *Official Records of the Security Council, Fifty-second Year, Supplement for April, May and June 1997*, document S/1997, document S/1997/357.

International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including Jerusalem;

7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners in the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

8. *Requests* the Secretary-General:

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its fifty-sixth session on the tasks entrusted to him in the present resolution;

9. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

Draft resolution II
Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories

The General Assembly,

Bearing in mind the relevant resolutions of the Security Council,

Recalling its relevant resolutions,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,[10] and the relevant reports of the Secretary-General,[11]

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Noting the convening of the meeting of experts of the high contracting parties to the General Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[12] in Geneva from 27 to 29 October 1998, at the initiative of the Government of Switzerland in its capacity as the depositary of the Convention, concerning general problems of application of the Convention in general and, in particular, in occupied territories,

Noting also the convening for the first time, on 15 July 1999, of a Conference of High Contracting Parties to the Fourth Geneva Convention, as recommended by the General Assembly in its resolution ES-10/6 of 9 February 1999, on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure respect thereof in accordance with article 1 common to the four Geneva Conventions,[13] and aware of the statement adopted by the Conference,

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[12] is applicable to the Occupied Palestinian Territory, including Jerusalem and other Arab territories occupied by Israel since 1967;

2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. *Calls upon* all States parties to the Convention, in accordance with article 1 common to the four General Conventions,[13] to exert all efforts in order to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

4. *Reiterates* the need for speedy implementation of the recommendations contained in its resolutions ES-10/3 of 15 July 1997, ES-10/4 of 13 November 1997, ES-10/5 of 17 March 1998, ES-10/6 of 9 February 1999 and ES-10/7 of 20 October 2000 with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

5. *Requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution.

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[10] A/55/373 and Add.1 and A/55/453.

[11] A/55/261-265.

[12] United Nations *Treaty Series*, vol. 75, No. 973.

[13] Ibid., Nos. 970-973.

Draft resolution III
Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, and the occupied Syrian Golan

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[14] to the Occupied Palestinian Territory, including Jerusalem, and to the occupied Syrian Golan,

Aware of the Middle East peace process started at Madrid and the agreements reached between the parties, in particular the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993,[15] and the subsequent implementation agreements,

Expressing grave concern about the continuation by Israel of settlement activities, including the ongoing construction of the settlement in Jabal Abu-Ghneim, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties,

Taking into consideration the detrimental impact of Israeli settlement policies, decisions and activities on the Middle East peace process,

Gravely concerned in particular about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994, and during recent weeks,

Taking note of the report of the Secretary-General,[16]

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[14] to the Occupied Palestinian Territory, including Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Demands* complete cessation of the construction of the settlement in Jabal Abu-Ghneim and of all Israeli settlement activities in the Occupied Palestinian Territory, including Jerusalem, and in the occupied Syrian Golan;

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[14] United Nations, *Treaty Series*, vol. 75, No. 973.

[15] A/48/486-S/26560, annex; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26560.

[16] A/55/263.

4. *Stresses* the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, inter alia, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

5. *Reiterates its call* for the prevention of illegal acts of violence by Israeli settlers, particularly in the light of recent developments;

6. *Requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution.

Draft resolution IV
Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem

The General Assembly,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session, and the resolutions of the Commission on Human Rights,

Bearing in mind the relevant resolutions of the Security Council, the most recent of which are resolutions 904 (1994) of 18 March 1994, 1073 (1996) of 28 September 1996 and 1322 (2000) of 7 October 2000,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[17] and the reports of the Secretary-General,[18]

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[19] to the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Stressing the need for compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process,

Noting the withdrawal of the Israeli army, which took place in the Gaza Strip and the Jericho area, and the subsequent Israeli redeployments in accordance with the agreements reached between the parties, and noting that the third agreed-upon phase of redeployment has not been implemented,

Concerned about the continuing violation of the human rights of the Palestinian people by Israel, the occupying Power, including the use of collective

[17] A/55/373 and Add.1 and A/55/453.

[18] A/55/261-265.

[19] United Nations, *Treaty Series*, vol. 75, No. 973.

punishment, closure of areas, annexation and establishment of settlements and the continuing actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including Jerusalem,

Deeply concerned by the tragic events that have occurred since 28 September 2000 and have led to numerous deaths and injuries, mostly among Palestinians,

Gravely concerned also about the severe restrictions on the movement of Palestinian persons and goods,

Expressing support for the understandings reached at the summit convened at Sharm El-Sheikh, Egypt, and urging all parties concerned to implement those understandings honestly and without delay,

Convinced of the positive impact of a temporary international or foreign presence in the Occupied Palestinian Territory for the safety and protection of the Palestinian people,

Expressing its appreciation to the countries that participated in the Temporary International Presence in Hebron for their positive contribution,

Convinced of the need for the full implementation of Security Council resolutions 904 (1994), 1073 (1996) and 1322 (2000),

1. *Determines* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[19] and contrary to the relevant resolutions of the Security Council, are illegal and have no validity and that such measures should cease immediately;

2. *Condemns* acts of violence, especially the excessive use of force against Palestinian civilians, resulting in injury and loss of human life;

3. *Demands* that Israel, the occupying Power, cease all practices and actions which violate the human rights of the Palestinian people;

4. *Stresses* the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

5. *Calls upon* Israel, the occupying Power, to accelerate the release of all remaining Palestinians arbitrarily detained or imprisoned, in line with agreements reached;

6. *Calls* for complete respect by Israel, the occupying Power, of all fundamental freedoms of the Palestinian people;

7. *Requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution.

Draft resolution V
The occupied Syrian Golan

The General Assembly,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,[20]

Deeply concerned that the Syrian Golan occupied since 1967 has been under continued Israeli military occupation,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the last of which was resolution 54/80 of 6 December 1999,

Having considered the report of the Secretary-General submitted in pursuance of resolution 54/80,[21]

Recalling its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under international law, including the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[22] to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237 (1967) of 14 June 1967,

Welcoming the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and expressing grave concern about the stalling of the peace process on all tracks,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

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[20] A/55/373 and Add.1 and A/55/453.

[21] A/55/265.

[22] United Nations, *Treaty Series*, vol. 75, No. 973.

3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[22] and have no legal effect;

4. *Calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and from repressive measures against the population of the occupied Syrian Golan;

5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. *Requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution.